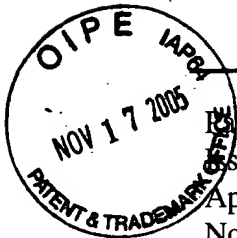


15 2633

PATENT  
5957-41408

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent No.:  
Issued:  
Application No.: 09/853,556  
Filed: May 11, 2001  
Inventor:  
Newell et al.

Title: Control Channel for an  
Optical Communications  
System Utilizing Frequency  
Division Multiplexing

§ Examiner: Bello, Agustin  
§ Group Art Unit: 2633  
§ Atty. Dct. No: 5957-41408  
§

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

B. Noël Kivlin

Printed Name

Signature

Date

TRANSMITTAL OF POWER OF ATTORNEY AND  
NOTICE OF CHANGE OF ADDRESS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find attached a Power of Attorney with regard to the above-identified patent application. Applicant respectfully requests the Commissioner to change the correspondence address for the above identified patent application. The old correspondence address was:

Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View CA 94041

The new correspondence address is:

B. Noël Kivlin  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
(512) 853-8840  
Customer ID #35690

If there are any questions regarding this matter, please contact me at the telephone number provided below.

Respectfully submitted,



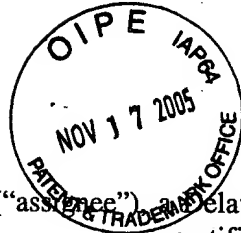
B. Noël Kivlin  
Reg. No. 33,929  
ATTORNEY FOR APPLICANTS

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
(512) 853-8800

Date: 11-14-25

## POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Forster Energy LLC ("assignee"), a Delaware corporation having a place of business at \_\_\_\_\_, certifies that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Assignee has reviewed the assignment documents that evidence the placement of title in the assignee, true and correct copies of which are attached hereto, and understands and believes that these assignment documents have been submitted for recordation in the U.S. Patent and Trademark Office.

Pursuant to 37 C.F.R. §§1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints the following attorneys and/or agents in connection with the patent applications and patents identified in Appendix A, that are filed with the United States Patent and Trademark Office:

the practitioners at Customer Number 35690, and

Mark K. Brightwell	Reg. No. 47,446	Mario J. Lewin	Reg. No. 54,268
Kay A. Colapret	Reg. No. 52,759	Lawrence J. Merkel	Reg. No. 41,191
Stephen J. Curran	Reg. No. 50,664	Eric B. Meyertons	Reg. No. 34,876
Mark R. DeLuca	Reg. No. 44,649	Neal E. Persky	Reg. No. 53,452
Heather L. Flanagan	Reg. No. 54,101	Liza Philip	Reg. No. 51,352
Russell Henrichs	Reg. No. 50,354	David W. Quimby	Reg. No. 39,338
Erik A. Heter	Reg. No. 50,652	Rory D. Rankin	Reg. No. 47,884
Jeffrey C. Hood	Reg. No. 35,198	Gareth Sampson	Reg. No. 52,191
Rajiv Jauhari	Reg. No. 55,850	Chris Thompson	Reg. No. 43,188
B. Noël Kivlin	Reg. No. 33,929	Mark S. Williams	Reg. No. 50,658
Robert C. Kowert	Reg. No. 39,255		

*each of said attorneys or agents being a member or an associate of the firm of Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.*

Pursuant to 37 C.F.R. §3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Send all future correspondence to:

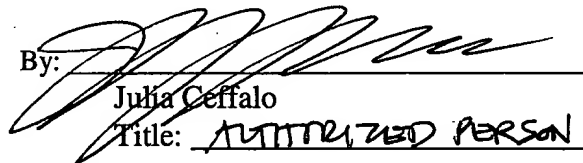
B. Noël Kivlin  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
(512) 853-8800

Assignee of Interest

Forster Energy LLC  
2215-B Renaissance Dr, Ste 5  
Las Vegas NV 89119

Dated: 28 Jul 2005

By:

  
Julia Ceffalo  
Title: AUTHORIZED PERSON

## PATENT ASSIGNMENT

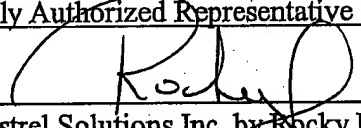
For good and valuable consideration, the receipt of which is hereby acknowledged, Kestrel Solutions, Inc. ("ASSIGNOR"), has sold, assigned, and transferred and does hereby sell, assign, and transfer to Forster Energy LLC ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in the patent applications and issued patents listed in Exhibit A ("PATENT RIGHTS"); and
2. The entire worldwide right, title, and interest in and to:
  - (a) the PATENT RIGHTS, including any right of priority; (b) any divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; (c) any patents which may be granted on the applications set forth in (a) and (b) above; and (d) the right to sue in its own name and to recover for past infringement of any or all of any applications or patents issuing therefrom.

ASSIGNOR agrees to, when requested, and without further consideration, in order to carry out the intent of this Assignment, execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed.

Duly Authorized Representative of ASSIGNOR

Date of Signature

  
Kestrel Solutions Inc. by Rocky Ho for FTI Consulting, Inc.,  
In its capacity as Plan Agent  
353 Sacramento Street  
Suite 1800  
San Francisco, CA 94111

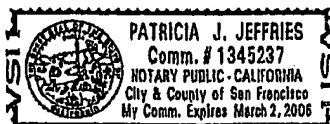
June 2, 2005

State of California  
County of San Francisco

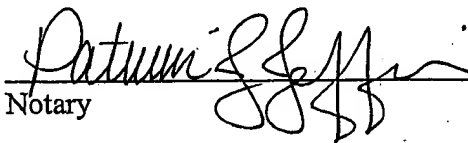
On June 2, 2005 before me, Patricia J. Jeffries personally  
[DATE] [NOTARY]

PUBLIC]  
appeared Rocky Ho personally known to me or proved to me on the  
basis of [REPRESENTATIVE]  
satisfactory evidence to be the person whose name is subscribed to the within instrument and  
acknowledged to me that [he/she] executed the same in [his/her] authorized capacity, and that  
by [his/her] signature on the instrument the person, or the entity upon behalf of which the  
person acted, executed the instrument.

Notary Seal



Notary



## Exhibit A

### Patent Lots for Kestrel Solutions, Inc.

#### TOTAL COUNTS

7 Issued  
11 Pending  
10 Abandoned  
Total: 28 Assets

Status as of April 27, 2005



Lot	Our Ref.	USPN / App. Ser. No.	Issue Date / Filing Date	Title	Inventors	Status
1	3208 US	6,204,951 09/082,620	Issued on 03/20/01 Filed on 05/19/98	Electro-Optic Modulator With Improved Harmonic Performance	James F. Coward Ting K. Yee Peter Chang Abraham Kou	Issued.
2	3209 CA	2320762	08/18/00	System And Method For Spectrally Efficient Transmission Of Digital Data Over Optical Fiber	Michael W. Rowan Roger R. Taur Peter Chang James F. Coward Stuart Wilson Ting K. Yee	Abandoned.
2	3209 EP	99905649.2	09/07/00	System And Method For Spectrally Efficient Transmission Of Digital Data Over Optical Fiber	Michael W. Rowan Roger R. Taur Peter Chang James F. Coward Stuart Wilson Ting K. Yee	Pending.
2	3209 JP	2000-535125	08/30/00	System And Method For Spectrally Efficient Transmission Of Digital Data Over Optical Fiber	Michael W. Rowan Roger R. Taur Peter Chang James F. Coward Stuart Wilson Ting K. Yee	Pending.
2	4917 US	6,407,843 B1 09/728,376	Issued on 06/18/02 Filed on 11/28/00	System And Method For Spectrally Efficient Transmission Of Digital Data Over Optical Fiber	Michael W. Rowan Roger R. Taur Peter Chang James F. Coward Stuart Wilson Ting K. Yee	Issued.
3	3592 US	6,452,945 09/229,594	Issued on 09/17/02 Filed on 01/13/99	Electrical Add-Drop Multiplexing For Optical Communications Networks Utilizing Frequency Division Multiplexing	David B. Upham Augustus Elmer Laurence J. Newell David A. Pechner Abraham Kou Michael W. Rowan James F. Coward Norman L. Swenson Minnie Ho	Issued.

Lot	Our Ref.	USPN / App. Ser. No.	Issue Date / Filing Date	Title	Inventors	Status
4	3593 US	6,046,838 09/218,731	Issued on 04/04/00 Filed on 12/22/98	Automatic Bias Control For Electro-Optic Modulators	Abraham H. Kou Ting K. Yee Norman L. Swenson	Issued.
5	4291 US	6,529,303 09/405,367	Issued on 03/04/03 Filed on 9/24/99	Optical Communications Networks Utilizing Frequency Division Multiplexing	Michael W. Rowan David B. Upham Augustus Elmer Laurence J. Newell David A. Pechner Abraham Kou James F. Coward Norman L. Swenson Minnie Ho Peter H. Chang Ting K. Yee Stuart E. Wilson	Issued.
5	4291 JP	2000-594215	07/13/01	Optical Communications Networks Utilizing Frequency Division Multiplexing	Michael W. Rowan David B. Upham Augustus Elmer Laurence J. Newell David A. Pechner Abraham Kou James F. Coward Norman L. Swenson Minnie Ho Peter H. Chang Ting K. Yee Stuart E. Wilson	Pending.



Lot	Our Ref.	USPN/ App. Ser. No.	Issue Date/ Filing Date	Title	Inventors	Status
5	7650 US	10/382,094	03/04/03	Optical Communications Networks Utilizing Frequency Division Multiplexing	Michael W. Rowan David B. Upham Augustus Elmer Laurence J. Newell David A. Pechner Abraham Kou James F. Coward Norman L. Swenson Minnie Ho Peter H. Chang Ting K. Yee Stuart E. Wilson	Abandoned.
6	4469 US	09/571,349	05/16/00	Through-Timing Of Data Transmitted Across An Optical Communications System Utilizing Frequency Division Multiplexing	David Pechner Laurence J. Newell	Abandoned.
7	4475 US	09/569,761	05/12/00	Channel Gain Control For An Optical Communications System Utilizing Frequency Division Multiplexing	Laurence J. Newell James F. Coward	Abandoned.
7	4475 EP	00968394.7	04/04/02	Channel Gain Control For An Optical Communications System Utilizing Frequency Division Multiplexing	Laurence J. Newell James F. Coward	Abandoned.
8	4739 US	09/595,731	06/16/00	I and Q Gain and Phase Difference Compensation for QAM Signals	David Pechner	Pending.
9	5133 US	09/854,153	05/11/01	Channel Gain Control For An Optical Communications System Utilizing Frequency Division Multiplexing	Laurence J. Newell James F. Coward	Abandoned.

Lot	Our Ref	USPN / App Ser No.	Issue Date / Filing Date	Title	Inventors	Status
9	5134 US	09/853,556	05/11/01	Control Channel For An Optical Communications System Utilizing Frequency Division Multiplexing	David A. Pechner Laurence J. Newell Augustus Elmer David B. Upham	Abandoned.
9	5639 US	09/854,246	05/11/01	Synchronizing Nodes in An Optical Communications System Utilizing Frequency Division Multiplexing	Laurence J. Newell	Pending.
10	5135 US	09/851,593	05/08/01	Variable Rate High-Speed Input and Output in Optical Communication Networks	Tian Shen Robert B. Clarke, Jr. Thomas J. Roman David B. Upham David A. Pechner Laurence J. Newell	Abandoned.
11	5137 US	09/870,880	05/30/01	Automatic Assignment of Addresses to Nodes in a Network	Tjandra Trisno Chris L. Freckmann	Pending.
12	5169 US	09/728,373	11/28/00	Optical Communications Using Heterodyne Detection	Ting K. Yee Peter H. Chang	Pending.
13	5286 US	09/747,261	12/20/00	Fiber Optic Communications using Optical Single Sideband Transmission and Direct Detection	Ting K. Yee Peter H. Chang James F. Coward	Abandoned.
14	5366 US	6,493,131 09/746,370	Issued on 12/10/02 Filed on 12/20/00	Wavelength-Locking of Optical Sources	Shin-Sheng Tang Slava Yazhgur Ting K. Yee Peter H. Chang	Issued.

Lot	Our Ref.	USPN/ App. Ser. No.	Issue Date/ Filing Date	Title	Inventors	Status
15	5682 US	09/918,886	07/30/01	Optical Communications Using Multiplexed Single Sideband Transmission And Heterodyne Detection	Ting K. Yee Peter H. Chang Shin-Sheng Tamg Gregory M. Cutler Slava Yazhgur Ji Li Laurence J. Newell James F. Coward Michael W. Rowan Normal L. Swenson Matthew C. Bashaw	Pending.
16	5747 US	09/816,242	03/23/01	Through-Timing Of Data Transmitted Across An Optical Communications System Utilizing Frequency Division Multiplexing	David A. Pechner Laurence J. Newell Mark D. Konezny	Pending.
17	6053 US	6,624,766 09/922,500	Issued on 09/23/03 Filed on 08/02/01	Recovery and Transmission of Return-To-Zero Formatted Data Using Non-Return-To-Zero Devices	Nicholas J. Possely David B. Upham	Issued.
18	6479 US	10/107,085	03/25/02	Optical Transceiver using Heterodyne Detection and a Transmitted Reference Clock	Ji Li	Pending.
19	KES- 001/ 9525 US	09/863,888	05/22/01	Method and Apparatus for providing a Gigabit Ethernet Circuit Pack	Anthony William Jorgenson Nicholas Joseph Possley	Pending.
20	KES- 002 9526 US	09/828,481	04/06/01	Method and Apparatus for Providing Full Duplex/Half Duplex Radially Distributed Serial Control Bus Architecture	Anthony William Jorgenson	Abandoned.